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9	BEFORE THE BOARD OF REGISTERED NURSING		
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11	STATE OF CAL	ATORNA	
12	In the Matter of the Accusation Against:	Case No. 2009 - 226	
13	GERALD MARVIN STEARNS P.O. Box 198	ACCUSATION	
14	San Diego, CA 92109	:	
15	Registered Nurse License No. 695245	·	
16	Respondent.		
17			
18	Complainant alleges:		
19	<u>PARTIES</u>		
20	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation		
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing,		
22	Department of Consumer Affairs.		
23	2. On or about January 10, 2007, the Board of Registered Nursing issued		
24	Registered Nurse License Number 695245 to Gerald Marvin Stearns (Respondent). The		
25	Registered Nurse License was in full force and effect at all times relevant to the charges brought		
26	herein and will expire on May 31, 2010, unless renewed.		
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JURISDICTION 1 This Accusation is brought before the Board of Registered Nursing 2 3. (Board), Department of Consumer Affairs, under the authority of the following laws. All section 3 references are to the Business and Professions Code unless otherwise indicated. 4 4. Section 2750 of the Business and Professions Code (Code) provides, in 5 pertinent part, that the Board may discipline any licensee, including a licensee holding a 6 temporary or an inactive license, for any reason provided in Article 3 (commencing with section 7 8 2750) of the Nursing Practice Act. Section 2764 of the Code provides, in pertinent part, that the expiration of 9 5. a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding 10 against the licensee or to render a decision imposing discipline on the license. Under section 11 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within 12 13 eight years after the expiration. 14 STATUTORY PROVISIONS Section 2761 of the Code states: 15 The board may take disciplinary action against a certified or licensed nurse 16 or deny an application for a certificate or license for any of the following: 17 (a) Unprofessional conduct, which includes, but is not limited to, the following: 18 19 (4) Denial of licensure, revocation, suspension, restriction, or any 20 other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or 21 by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action. 22

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COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Disciplinary Action Against a Registered Nurse License by Another State)

- 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of the Code in that Respondent voluntarily surrendered his professional nurse license issued by the State of Arizona. The circumstances are as follows:
- a. On or about August 26, 2004, the Arizona State Board of Nursing issued Professional (Registered) Nurse License No. 129549 to Respondent.
- b. Pursuant to a Consent for Entry of Voluntary Surrender Order No. 0607074, *In the Matter of Professional Nurse License No. RN129549*, Respondent surrendered his professional (registered) nurse license as a result of a disciplinary action. Based upon the findings of facts, the Arizona State Board of Nursing concluded Respondent's conduct violated Arizona Revised Statutes (A.R.S.) sections 32-1663, subdivision (D), as defined in section 32-1601, subdivision (16)(d), and Arizona Administrative Code (A.A.C.) R4-19-403, subdivisions (B)(1) (A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice); subdivision (B)(7) (Failing to maintain a patient record that accurately reflects the nursing assessment, care, treatment, and other nursing services provided to the patient; and subdivision (B)(31) (Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed).
- c. On or about June 13, 2008, Respondent voluntarily surrendered his license for the Arizona State Board of Nursing's acceptance.

PRAYER

- WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:
- Revoking or suspending Registered Nurse License Number 695245, issued to Gerald Marvin Stearns;
- 2. Ordering Gerald Marvin Stearns to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

1	3. Taking such other and further action as deemed necessary and prope	
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3	DATED: 3123109	
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5	Puti do T	
6	RUTH ANN TERRY, M.P.H., R.N. Executive Officer	
7	Board of Registered Nursing Department of Consumer Affairs State of California	
8	State of California Complainant	
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